

Applicants respectfully traverse the requirement for restriction to Group II of claims 19-20, 25, 61-62, and 67 drawn to methods of increasing the number of total and live births to a female swine and to a method of increasing the farrowing rate (*i.e.*, increasing the percentage of animals that give birth).

35 U.S.C. § 121 indicates that restriction may be required if two or more “independent and distinct” inventions are claimed in one application. 35 U.S.C. § 121. As stated in MPEP § 802.01 “[t]he term “independent” (*i.e.*, not dependent) means that there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect . . .”. Manual of Patent Examining Procedure § 802.01.

The invention of the Group II claims, directed to methods of increasing the number of total and live births to a female swine and to a method of increasing the farrowing rate, is necessarily related to the invention of the Group I claims, a method of increasing the reproductive performance of female swine, because increasing the number of total and live births to a female swine and increasing the farrowing rate are direct effects of increasing the reproductive performance of female swine. Moreover, the invention of the Group II claims cannot be “unconnected in design, operation, or effect” with the invention of the Group I claims because an increase in the number of total and live births to a female swine is directly connected and is dependent on increased reproductive performance of female swine. Accordingly, the inventions of the Group I and Group II claims cannot be said to be “independent and distinct” inventions as required for restriction under 35 U.S.C. § 121

because the inventions are necessarily directly connected. Applicants respectfully request that the Examiner reconsider the restriction requirement and rejoin the Group I and Group II claims.

Respectfully submitted,

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